

Following a Work Session meeting, the Regular Session was called to order at 7:05 P.M., by Mayor Ferguson with City Councilors Simillion, Stone, Smits and Duba present along with Acting City Manager Ampietro, City Clerk Davidson, Finance Director Hanson, Police Chief Keehne, Community Development Technician Ruggera, Planning Commission Chair Lothamer, Planning Commissioners Harriman, Seitz and Houck, several employees of the Gunnison Police Department, many interested citizens and the press. City Attorney Landwehr and City Manager Collins were absent.

Consideration of Minutes:**Regular Session Minutes of March 8, 2005.**

Councilor Simillion moved and Councilor Duba seconded the motion to approve the Regular Session minutes of March 8, 2005, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Planning & Zoning Commission Chair Diane Lothamer. Commissioner Lothamer gave Council feedback on their request to the Planning Commission (P&Z) to include a Planned Unit Development (PUD) provision in the big box design standards they are currently developing. Planning Commission feels the existing PUD requirements would not be the selected process for a big box developer due to requirements such as the 20% dedication of open space and the provisions to provide community benefits. If Council is looking for more flexibility for a potential developer's plan that doesn't fit into the proposed design standards, P&Z feels the existing PUD will not work with the design standards. P&Z would like to review and rewrite, where necessary, the PUD component of the Land Development Code (LDC) when they review the LDC later this year. Council has already directed the P&Z to rewrite the City's Master Plan and to review and rewrite the LDC as needed. P&Z wants to give Council the best product possible but they flat out don't have the time to rewrite the PUD requirements and incorporate the option in the proposed design standards. Discussion ensued. Items discussed include: Council wants to achieve a compromise and incorporate flexibility; Council agrees the PUD needs work; As long as some flexibility is included in the design standards, potentially the waivers section that is being developed, that is the compromise Council is looking for; Council doesn't want to see a developer by-pass all of the work P&Z has gone through; Both Council and the P&Z would like the City Attorney to review the existing PUD to see if it is adequate should a big box development be proposed; Councilor Stone would like to see the design standards ready for 1st reading by this Council and would like the newly elected Council to act on final adoption; Council doesn't want to see the moratorium extended again; If design standards aren't adopted, then the subdivision process, annexation or PUD process is in place for big box development.

Unfinished Business: None.

New Business:

Challenge Grant Application from Gunnison Murals Project in the Amount of \$3,000. This item was discussed at the Work Session prior to the Regular Session.

Councilor Stone moved and Councilor Simillion seconded the motion to accept the recommendation from the Challenge Grant Committee and award \$3,000 to the Gunnison Valley Public Arts Program (GVPAP) for the John Pugh art mural at the Gunnison Arts Center with the following conditions: GVPAP will use Challenge Grant funds only to purchase advertising, posters, and t-shirts, and for the expenses of copying and printing; GVPAP will use the City's by-line in advertising; and GVPAP will engrave the "City of Gunnison" on a plaque to be displayed near the art mural.

Councilor Stone asked Ms. Santarella if she was aware of and agreed to the conditions. Ms. Santarella concurred.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Action on Community Center Site Work Contract. This item was discussed at the March 15, Council Work Session meeting. City Engineer Terry Zerger was present to answer any questions. Council had none.

Councilor Duba moved and Councilor Simillion seconded the motion to accept the Staff recommendation and award the Community Center Site Work contract to Pelino Inc. of Buena Vista, Colorado in the amount of \$61,455.90 for paving and to KECI Colorado Inc. of Sedalia, Colorado, for site work in the total combined amount not to exceed \$250,000 and authorize the Mayor to sign said contracts.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Resignation of Councilor Thomas Smits. Councilor Smits stated he has enjoyed his time on Council but is now relocating out of Gunnison to pursue career opportunities.

Councilor Duba moved and Councilor Smits seconded the motion to accept Councilor Thomas Smits' resignation from City Council and to direct the City Clerk to place the Councilor vacancy on the Regular Municipal Election ballot on May 10, 2005.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Resolution No. 4, Series 2005; Re: Police Employees Retirement Plan and Authorizing Mayor to Sign Agreement with CCOERA. This item was discussed at the Work Session prior to this Regular Session and during prior Council meetings.

Councilor Smits introduced Resolution No. 4, Series 2005, and it was read by title only by Police Chief Keehne.

Councilor Stone moved and Councilor Simillion seconded the motion that Resolution No. 4, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, FUNDING THE CITY OF GUNNISON POLICE OFFICERS RETIRMENT PLAN**, be introduced, read, passed and adopted this 22nd day of March, 2005.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Resolution No. 5, Series 2005; Re: Commending Election Commissioner Betty Archuletta.

Councilor Stone introduced Resolution No. 5, Series 2005, and it was read in its entirety by the Mayor.

Councilor Stone moved and Councilor Simillion seconded the motion that Resolution No. 5, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING BETTY ARCHULETTA FOR HER EXCELLENT PERFORMANCE AS CITY ELECTION COMMISSIONER**, be introduced, read, passed and adopted this 22nd day of March, 2005.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Resolution No. 6, Series 2005; Re: Commending Municipal Court Judge Margaret W. Furey.

Councilor Simillion introduced Resolution No. 6, Series 2005, and it was read in its entirety by the Mayor.

Councilor Stone moved and Councilor Smits seconded the motion that Resolution No. 6, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING MARGARETT W. “PEG” FUREY FOR HER EXCELLENT PERFORMANCE AS GUNNISON’S MUNICIPAL COURT JUDGE**, be introduced, read, passed and adopted this 22nd day of March, 2005.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

City Attorney: Absent.

City Manager: Mark Collins. Absent.

Acting City Manager – Parks & Recreation Director Ampietro

Parks & Recreation Departmental Report. Director Ampietro reviewed his semi-annual departmental report and highlighted the following: The Community Center is approximately 70% complete; There were a record 97 days of hockey this year; Three separate hockey tournaments were held and had a positive economic impact on the economy; Cranor Hill was open for 21 days; and at Councilor Duba’s request, Director Ampietro will continue to monitor their staffing needs for these programs.

Community Center Contingency Fund Request. Director Ampietro then reviewed a request from the Community Center Council contingency funds. Requested is \$20,000 for impact-resistance, fiberglass reinforced drywall with a metal cap to be placed on the gymnasium wall surfaces in the gym and \$2,700 to move a wall, rewire and re-cable to allow for three additional computer stations in the computer lab area.

Councilor Stone moved and Councilor Smits seconded the motion to expend \$20,000 for fiberglass reinforced drywall with a metal cap to be installed on the gym wall surfaces and to expend \$2,700 to move a wall and gain three additional computer stations, from Council’s Community Center contingency funds.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

City Clerk: Gail Davidson. Reported there are no agenda items for next week’s 5th Tuesday. Council had no further agenda items, thus they will not meet next Tuesday, March 29. Asked Council how they wanted to handle the interviews for the Municipal Judge vacancy. Consensus was, if seven or less letters of interest were received, for the City Clerk to schedule all of the applicants for interviews at the April 5, Work Session. If more than seven applications were received, the City Clerk will provide all of the applications to City Council on Wednesday evening, March 30, and Council will short-list the interviewees for the April 5, Work Session. Lastly, WSC Intern Matt Johnston has e-mailed her and will be sending Council his formal letter of resignation. Additional time commitments preclude him for continuing as the intern.

WSC Intern: Matt Johnston. Absent.

Non-Scheduled Citizens: Ralph “Butch” Clark did not come forward.

Richard Karas came forward and addressed Council. His comments were from two sources, himself as a citizen and as a representative of the Gunnison Valley Community Alliance. As a citizen, Mr. Karas addressed the following: It’s risky in thinking of the existing PUD standards as the default if the design standards are not adopted, because the current PUD is very onerous to large commercial developers due to provision such as the open space requirement and the provision requiring protection adjacent property values; and if a future Council uses the PUD process to make arbitrary changes in zoning of land, it leaves the City open to legal action.

As a representative of the Gunnison Valley Community Alliance (GVCA), Mr. Karas addressed the following: GVCA feels the Council’s perception that the Planning Commission’s progress on incorporating flexibility into the design standards has been minimal, Mr. Karas passed out a letter to Council outlining the Commission’s work to date. GVCA feels the Commission has been responsive to answering and incorporating suggestions, questions and comments, not only

from them, but also from the GVEDC, Wal-Mart representatives, and nonaffiliated community members. GVCA reminds Council the design standards are for all big box development of 50,000+ sq. feet, and not just for Wal-Mart. Council thanked Mr. Karas and the GVCA for their comments.

General Discussion/Items for Work Session:

Councilor Smits: Report on Planning & Zoning Commission Meetings. After prior discussion with Planning Commission Chair Lothamer, he had nothing further to report.

Councilors Simillion, Stone, Duba: Nothing to report.

Adjournment: At 8:01 P.M.

Mayor

City Clerk